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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,989	07/25/2003	Chris A. Barone	6579-125	4156

7590 05/26/2006

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EXAMINER

HUSON, MONICA ANNE

ART UNIT	PAPER NUMBER
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1732

DATE MAILED: 05/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/626,989	Applicant(s) BARONE ET AL.	
	Examiner Monica A. Huson	Art Unit 1732	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 May 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-25.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 3. NOTE: The addition of the step of moving the common portion of the mold changes the scope of the claim and requires further consideration and/or search.

Continuation of 11. does NOT place the application in condition for allowance because: Although applicant contends that Conrad and Brams do not suggest the claimed invention, the examiner maintains her rejections.

Applicant contends that Conrad does not show the instant invention because he does not show the step of forming a base having features for attaching the shaving aid cartridge to a razor assembly. This is not persuasive because Conrad was not cited to teach this limitation.

Applicant contends that Brams does not show the instant invention because he does not show the step of engaging the common portion of the first mold with a shaving aid body portion to collectively form a closed second mold. This is not persuasive because although Brams utilizes a separate step of closing the mold, such a second step to achieve a closed mold is not precluded by applicant's current claim construction. It is maintained that Brams shows a step of engaging the common portion of the first mold with a shaving aid body portion to collectively form a closed second mold.

Applicant contends that Brams teaches away from the instant invention by showing moving the transfer mold into an open mold. This is not persuasive because the mold is closed (i.e. engaged) after the transfer element is in a proper position. Therefore, a closed second mold is eventually formed by collectively engaging the common portion of the first mold with a shaving aid body portion.

Applicant contends that Conrad does not show the instant invention because he does not show the step of forming a base having features for attaching the shaving aid cartridge to a razor assembly. This is not persuasive because he shows such a limitation at column 1, lines 42-50, and column 2, lines 45-63.

Applicant contends that Conrad does not show the instant invention because he does not show an insert molding process. This is not persuasive because Conrad was not cited to teach this limitation.

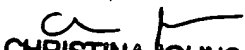
Applicant contends that Yin does not show the instant invention because he does not disclose using a soap. This is not persuasive because Yin discloses using a soap at column 4, lines 49-56 (e.g. microbicidal agents, astringents, medicinal agents).

Applicant contends that Vreeland does not show the instant invention because he does not show formation of a second closed mold by introduction of a new member. This is not persuasive because Vreeland's modified first mold is being interpreted as the second mold. Further, the introduction of his shaving aid body additionally defines the modified first mold, i.e. the second mold.

With regard to other arguments, applicant contends that the additionally-cited references do not cure the deficiencies previously argued. The examiner's response to the previously-alleged deficiencies is contained above. In other words, the arguments are not persuasive for the reasons stated above.



Monica A Huson
May 24, 2006


CHRISTINA JOHNSON
PRIMARY EXAMINER
5/24/06